

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**USAA FEDERAL SAVINGS BANK**

**Plaintiff/Stakeholder**

**v.**

**GILBERT LAVEAN  
And JEANNE BAIRD,**

**Defendants/Claimants**

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**CIVIL ACTION NO.: 5:15-cv-00194**

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**DECLARATION OF THEODORE C. SCHULTZ**

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1. My name is Theodore C. Schultz. I am of sound mind, over the age of 21, have never been convicted of a felony or crime involving moral turpitude and am otherwise competent to make this Declaration. I have personal knowledge of the facts stated in this affidavit, and each fact is true and correct.
2. I am a partner in the law firm of Lindow Stephens Treat LLP which represents Plaintiff USAA Federal Savings Bank ("USAA") in the referenced matter.
3. My office filed the Complaint in Interpleader in this matter on March 16, 2015.
4. My office further requested issuance of Summons to, among others, Defendant Jeanne Baird on March 16, 2015.
5. On March 18, 2015 our office provided the Summons for Jeanne Baird to a process server, who made service on Jeanne Baird on April 22, 2015 at 2:56 p.m. by delivering a true copy of the summons to Jeanne Baird at 4617 Foster Ranch Road, Austin, Texas 78735.
6. Attached hereto as Exhibit "A-1" is the executed Proof of Service signed under penalty of perjury by process server Brandon Tindall on April 23, 2015 regarding the details of the service on Jeanne Baird. The Proof of Service reflects that the Summons was left by Mr. Tindall with Jeanne Baird at 4617 Foster Ranch Road, Austin, Texas 78735.
7. Defendant Gilbert Lavean was also served with Summons on March 18, 2015 and responded to the Complaint in Intepleader by filing an Answer on April 9, 2015.
8. To date, Defendant Jeanne Baird has not filed an Answer or otherwise appeared in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

  
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Theodore C. Schultz

Date: July 22, 2015

# EXHIBIT A-1

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of Texas

USAA Federal Savings Bank

\_\_\_\_\_  
*Plaintiff(s)*

v.

Gilbert LaVean  
and Jeanne Baird

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 5:15-cv-00194-XR

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jeanne Baird  
908 Wessex Way  
Austin, Texas 78748

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Theodore C. Schultz  
Lindow Stephens Treat LLP  
One Riverwalk Place  
700 N. St. Mary's Street, Suite 1700  
San Antonio, Texas 78205

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT JEANNETTE J. CLACK

*Raanne M. Clack*

Signature of Clerk or Deputy Clerk

Date: 03/16/2015



**AFFIDAVIT OF SERVICE**

State of Texas

County of Western

U.S. District Court

Case Number: 5:15-CV-00194-VR

Plaintiff:

**USAA Federal Savings Bank**

vs.

Defendant:

**Gilbert Lavean and Jeanne Baird**

For:

Theodore Schultz

Lindow Stephens Treat, LLP

700 N. St. Mary's St., Suite 1700

San Antonio, TX 78205

Received these papers on the 18th day of March, 2015 at 12:14 pm to be served on **Jeanne Baird, 908 Wessex Way, Austin, TX 78748.**

I, Brandon Tindall, being duly sworn, depose and say that on the **22nd day of April, 2015** at **2:56 pm**, I:

**INDIVIDUALLY/PERSONALLY** by delivering a true copy of the **Summons In A Civil Action and USAA Federal Savings Bank's Complaint In Interpleader with the date of service endorsed thereon by me**, to: **Jeanne Baird** at the address of: **4617 Foster Ranch Rd., Austin, TX 78735**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.



Subscribed and Sworn to before me on the 23<sup>RD</sup>  
day of APRIL, 2015 by the affiant  
who is personally known to me.

*Karin Penrod*  
NOTARY PUBLIC

*Brandon Tindall*

**Brandon Tindall**

SCH #5384 EXP 9/30/2016

Our Job Serial Number: KTA-2015000384